

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

JOHN GARRETT,)	
)	Case No. 004-863
Plaintiff,)	JURY TRIAL DEMANDED
v.)	
)	
DR. ALIE,)	
)	
Defendant.)	

DR. ALIE'S RESPONSE TO COURT ORDER TO SHOW CAUSE (D.I. 39)

Defendant Sitta Gombah-Alie, M.D. ("Answering Defendant"), by and through her undersigned counsel, hereby responds to the Court's Order to Show Cause (D.I. 39) and states as follows:

On February 19, 2008, this Court ordered Dr. Alie to show cause no later than March 3, 2008 why an entry of default should not be reinstated against her for failure to obtain representation and file an answer to the complaint (D.I. 39). The claims against Dr. Alie rise from a time when she was in the employ of First Correctional Medical ("FCM"). One of the benefits (and conditions) of that employment was that FCM provided insurance coverage for claims such as that made here by the Plaintiff. Unfortunately, after FCM went out of business, the fund it set aside to continue to cover such claims was exhausted. When she learned of the default, Dr. Alie sought representation from FCM's former counsel, but was refused. Accordingly, she has had to find counsel who would agree to represent her at her own cost. On February 28, 2008, the undersigned counsel was retained to defend the above-captioned action.

Based on review of the facts alleged, and the applicable law, Dr. Alie has a meritorious defense to this action, and should be permitted the opportunity to present that defense so that she is not prejudiced by her former employer's failure to live up to its contractual promise.

WHEREFORE, Dr. Alie respectfully requests the Court deem that she has shown cause why the entry of default should not be reinstated and allow her to defend this action on the merits

BALICK & BALICK, LLC

/s/ James E. Drnec

James E. Drnec, Esquire (#3789)

711 King Street

Wilmington, Delaware 19801

302.658.4265

Attorneys for Defendant

Date: February 29, 2008